

Rev. 10-1

OGC Y-0011

13 February 1959

OGC Has Reviewed

MEMORANDUM FOR: Inspector General
THROUGH: Deputy Director (Support)
SUBJECT: Payment for Unused Annual Leave - [REDACTED]
REFERENCE: Memo to D/Pers thru DD/S fr IG dtd 10 Feb 59, concerning same subject

25X1A

1. This memorandum is in response to your request that subject's claim be resolved before close of business 13 February 1959.

2. Referenced memorandum summarizes the circumstances upon which [REDACTED] bases a claim for payment of 52 hours of annual leave which were not compensated for in his lump-sum leave payment. We have reviewed the record and see no basis for disputing the essential facts of the case. [REDACTED] erroneously advised by a member of the Finance Division that he would receive a lump-sum payment for all of the annual leave to his credit. When he received his payment, however, he discovered that he had been paid for only 240 hours (the maximum allowable) rather than for 292 hours (the amount to his credit). Upon inquiry, he was advised that the advice he had received was in error, that the payment made was correct, and that there was no basis for an adjustment.

3. From his point of view [REDACTED] grievance has validity in that, had he been correctly advised, he could have taken the 6 1/2 days annual leave prior to his resignation. However, on the facts as they exist the rules governing leave payments will not permit payment for this accumulation as the Government is not bound by the errors of its employees or agents. Furthermore, the Comptroller General has stated his opinion that the Congress did not intend the Director to use the broad authorities granted him over confidential funds to correct administrative matters common to other Government agencies. It is clear that no other agency could make any settlement under these circumstances and, while this agency has the power to do so, this is not an appropriate situation in which to exercise that power.

Gordon M. Stewart
Director of Personnel

13 FEB 1959

CONCUR: s/ Lawrence R. Houston
General Counsel

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D/Pers/Chief Stewart:sm (13 Feb 59)

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